

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

ROBERT LEO OSWALD,

Plaintiff,

v.

LARRY JULIAN, *et al.*,

Defendants.

---

Case No. 1:04-CV-830

Hon. Richard Alan Enslen

**ORDER**

Plaintiff Robert Leo Oswald has moved for reconsideration of the Court's Opinion and Judgment of December 20, 2005, which adopted the Report and Recommendation of the Magistrate Judge and dismissed this suit with prejudice. Plaintiff has read the pertinent case law differently than this Court and has drawn contrary legal conclusions, including from one dissenting opinion of the United States Supreme Court. Notwithstanding, the Court does not believe that Plaintiff has demonstrated a "palpable defect" in the prior Opinion within the meaning of Western District of Michigan Local Civil Rule 7.4(a), nor has he shown specific grounds for relief under Federal Rules of Civil 59 and 60.

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff Robert Leo Oswald's Motion for Reconsideration (Dkt. No. 35) is **DENIED**.

DATED in Kalamazoo, MI:  
January 9, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE